

AGRICULTURAL EVENT CERTIFICATION FREQUENTLY ASKED QUESTIONS

1. Who is the applicant?

The licensed farm-winery seeking to participate in the agricultural event is the applicant and must submit the agricultural event certification application to the Massachusetts Department of Agricultural Resources (MDAR).

2. What is MDAR's role in allowing a farm-winery to sell wine at an agricultural event?

MDAR's role is to approve events such as agricultural fairs, farmers' markets or other event as agricultural events in accordance with the provisions of Massachusetts General Laws Chapter 138, Section 15F.

3. Are other permits needed to sell wine at an agricultural event once it has been certified by MDAR?

After the application is approved by MDAR and the agricultural event is certified, the farm-winery will need to make an application with the local liquor/license control board that has jurisdiction over the event's location to obtain a license to allow the sale of wine.

4. Can another entity that is not licensed as a farm-winery sell Massachusetts wine at an approved agricultural event, (i.e. local wine shop)

The legislation allows the holders of farmer-winery licenses to sell wine at an agricultural event. It does not apply to any other entity.

5. Can a farm-winery sell wine on behalf of another farm-winery as well as its own wine?

A farm-winery may sell only wine produced by or for the farm-winery and sold under its own brand name.

6. Can an out-of-state winery sell at an approved agricultural event?

Any farm-winery that holds a farmer-winery license from Massachusetts or any other state may apply for a special license to sell at an approved Massachusetts agricultural event.

7. Can beer or other spirits be sold?

No, the legislation allows only for the sale of wine by a farm-winery.

8. How long is the MDAR approval good for?

MDAR approval of the event is good for the dates listed in the application. If there are any substantial changes to the event (i.e. dates, times, location), the applicant shall notify MDAR immediately. Additionally, the application must be submitted annually for each event in which the farm-winery seeks to participate.

9. Is the sampling of wine allowed?

A farm-winery may provide, without charge, samples of wine to prospective customers who are at least twenty-one (21) years of age. No sample shall exceed one (1) ounce of wine and no more than five (5) samples shall be served to an individual prospective customer. All samples of wine shall be served by an agent, representative, or solicitor of the farm-winery and shall be consumed in the presence of such agent, representative or solicitor.

10. What are the specific steps to follow to request a permit to sell wine at an agricultural event?

The farm-winery should first obtain approval from the event manager of the agricultural event in which it would like to participate. Once this approval is obtained, the farm-winery submits a completed agricultural event certification application to MDAR. Upon certification of an agricultural event by MDAR, the farm-winery must comply with the local licensing requirements for requesting and obtaining a special license. Upon issuance of a special license, the farm-winery must submit a copy to the Alcoholic Beverages Control Commission (ABCC) at least seven (7) days prior to the event.

11. How long does it take to get MDAR certification of an agricultural event?

It generally takes ten (10) business days for MDAR to review a completed application and issue its decision on certification. The farm-winery must keep in mind that the local licensing authority is the entity issuing the special license and each city and town has its own time frame for such licenses. A farm-winery must also submit a copy of its special license to the ABCC at least seven (7) days prior to the event. Therefore, MDAR recommends that the farm-winery be aware of all the time constraints when determining the events in which it will participate.

12. Must a separate application be submitted for a winter and summer farmers market if they are sponsored by the same organization?

Yes. You will need to fill out a separate application for each of the farmers markets because they are different “agricultural events” under the statute. Although they are sponsored by the same organization, the locations may be different and dates on which the events are held are different.

13. What is meant by competitive agriculture?

The competitive agriculture question is related to fairs. In order to be a fair that can be deemed an agricultural event, there must be competitive agriculture, i.e. there are prizes awarded for competitions involving things such as animals and/or produce. The competitive agriculture question does not relate to all agricultural events (i.e. farmers markets). If the event is not a fair and the competitive agriculture question is not applicable, you would simply check the N/A box on the application.